

State of Arizona  
House of Representatives  
Fiftieth Legislature  
Second Regular Session  
2012

**CHAPTER 166**  
**HOUSE BILL 2712**

AN ACT

AMENDING SECTIONS 34-501 AND 34-502, ARIZONA REVISED STATUTES; RELATING TO  
COMPUTER ACCESS BY MINORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 34-501, Arizona Revised Statutes, is amended to  
3 read:

4 34-501. Definitions

5 In this article, unless the context otherwise requires:

6 1. "CHILD PORNOGRAPHY" MEANS THE VISUAL DEPICTION OF SEXUAL  
7 EXPLOITATION OF A MINOR AS PRESCRIBED IN SECTION 13-3553.

8 ~~1.~~ 2. "Harmful to minors" has the same meaning ~~as~~ prescribed in  
9 section 13-3501, ~~paragraph 1.~~

10 3. "OBSCENE" HAS THE SAME MEANING PRESCRIBED IN 20 UNITED STATES CODE  
11 SECTION 9101.

12 ~~2.~~ 4. "Public access computer" means a computer that IS ALL OF THE  
13 FOLLOWING:

14 (a) ~~Is~~ Located in a public school or public library.

15 (b) ~~Is frequently or regularly used directly~~ AUTHORIZED FOR USE BY OR  
16 AVAILABLE FOR USE by a minor.

17 (c) ~~Is~~ Connected to any computer communication system.

18 (d) VISIBLE TO A MINOR.

19 5. "TECHNOLOGY PROTECTION MEASURE" MEANS A TECHNOLOGY THAT BLOCKS OR  
20 FILTERS INTERNET ACCESS TO VISUAL DEPICTIONS.

21 Sec. 2. Section 34-502, Arizona Revised Statutes, is amended to read:

22 34-502. Computer access; child pornography; visual depictions  
23 harmful to minors; obscene; procedures

24 A. A public school that provides a public access computer shall ~~equip~~  
25 ~~the computer with software that seeks~~ DEPLOY AND ENFORCE A TECHNOLOGY  
26 PROTECTION MEASURE to prevent minors from gaining access to ~~material that is~~  
27 ~~harmful to minors or purchase internet connectivity from an internet service~~  
28 ~~provider that provides filter services to limit access to material~~ VISUAL  
29 DEPICTIONS that ~~is~~ ARE CHILD PORNOGRAPHY, harmful to minors OR OBSCENE. THE  
30 GOVERNING BOARD OF EVERY SCHOOL DISTRICT SHALL PRESCRIBE POLICIES, standards  
31 and rules for the enforcement of this subsection ~~shall be prescribed by the~~  
32 ~~governing board of every school district.~~ EVERY SCHOOL DISTRICT SHALL MAKE  
33 ITS POLICIES, STANDARDS AND RULES AVAILABLE TO THE PUBLIC.

34 B. A public library that provides a public access computer shall do  
35 ~~one or~~ both of the following:

36 ~~1. Equip the computer with software that will limit minors' ability to~~  
37 ~~gain access to material that is harmful to minors or purchase internet~~  
38 ~~connectivity from an internet service provider that provides filter services~~  
39 ~~to limit access to material that is harmful to minors.~~

40 ~~2. Develop and implement by January 1, 2000, a policy that establishes~~  
41 ~~measures to restrict minors from gaining computer access to material that is~~  
42 ~~harmful to minors.~~

43 1. DEPLOY AND ENFORCE A TECHNOLOGY PROTECTION MEASURE TO PREVENT  
44 MINORS FROM GAINING ACCESS TO VISUAL DEPICTIONS THAT ARE CHILD PORNOGRAPHY,  
45 HARMFUL TO MINORS OR OBSCENE.

1           2. DEPLOY AND ENFORCE A TECHNOLOGY PROTECTION MEASURE TO PREVENT  
2 ANYONE FROM GAINING ACCESS TO VISUAL DEPICTIONS THAT ARE CHILD PORNOGRAPHY OR  
3 OBSCENE.

4           C. AN ADMINISTRATOR, SUPERVISOR OR OTHER REPRESENTATIVE OF A PUBLIC  
5 LIBRARY MAY DISABLE A TECHNOLOGY PROTECTION MEASURE DESCRIBED IN SUBSECTION B  
6 OF THIS SECTION IF BOTH OF THE FOLLOWING APPLY:

- 7           1. THE REQUEST IS FROM A LIBRARY PATRON WHO IS NOT A MINOR.
- 8           2. THE TECHNOLOGY IS DISABLED ONLY TO ENABLE ACCESS FOR RESEARCH OR  
9 OTHER LAWFUL PURPOSES.

10          ~~C.~~ D. THE DIRECTOR OF THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC  
11 RECORDS SHALL ADOPT rules for the enforcement of subsection B ~~shall be~~  
12 ~~adopted by the director of the Arizona state library, archives and public~~  
13 ~~records~~ OF THIS SECTION. THE DIRECTOR OF THE ARIZONA STATE LIBRARY, ARCHIVES  
14 AND PUBLIC RECORDS SHALL MAKE THE RULES AVAILABLE TO THE PUBLIC. A PUBLIC  
15 LIBRARY SHALL POST THE RULES AND ITS POLICIES IN A CONSPICUOUS PLACE FOR  
16 LIBRARY PATRONS TO VIEW.

17          E. A GOVERNING BODY THAT OPERATES A PUBLIC LIBRARY SHALL DEVELOP A  
18 POLICY FOR THE LIBRARY TO IMPLEMENT THE RULES DEVELOPED PURSUANT TO  
19 SUBSECTION D OF THIS SECTION THAT ARE ADOPTED AT AN OPEN MEETING. THE  
20 GOVERNING BODY SHALL REVIEW THE POLICY AT LEAST EVERY THREE YEARS. THE  
21 POLICY SHALL:

- 22           1. STATE THAT IT RESTRICTS ACCESS TO INTERNET OR ONLINE SITES THAT  
23 CONTAIN MATERIAL DESCRIBED IN THIS SECTION.
- 24           2. STATE HOW THE LIBRARY INTENDS TO MEET THE REQUIREMENTS OF THIS  
25 SECTION.
- 26           3. REQUIRE THE PUBLIC LIBRARY TO INFORM PATRONS THAT ADMINISTRATIVE  
27 PROCEDURES AND GUIDELINES FOR THE STAFF TO FOLLOW IN ENFORCING THE RULES HAVE  
28 BEEN ADOPTED AND ARE AVAILABLE FOR REVIEW AT THE LIBRARY.
- 29           4. REQUIRE THE PUBLIC LIBRARY TO INFORM PATRONS THAT PROCEDURES FOR  
30 USE BY PATRONS AND STAFF TO HANDLE COMPLAINTS ABOUT THE RULE, ITS ENFORCEMENT  
31 OR ABOUT OBSERVED PATRON BEHAVIOR HAVE BEEN ADOPTED AND ARE AVAILABLE FOR  
32 REVIEW AT THE LIBRARY.

33          ~~D.~~ F. A public school that complies with subsection A OF THIS SECTION  
34 or a public library that complies with subsection B OF THIS SECTION shall not  
35 be criminally liable or liable for any damages that might arise from a minor  
36 gaining access to ~~material~~ VISUAL DEPICTIONS that ~~is~~ ARE CHILD PORNOGRAPHY,  
37 harmful to minors OR OBSCENE through the use of a public access computer that  
38 is owned or controlled by the public school or public library.

39          G. IF THE STATE BOARD OF EDUCATION OR THE SUPERINTENDENT OF PUBLIC  
40 INSTRUCTION DETERMINES THAT A SCHOOL DISTRICT OR CHARTER SCHOOL IS IN  
41 VIOLATION OF SUBSECTION A OF THIS SECTION, THE STATE BOARD OF EDUCATION OR  
42 THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL NOTIFY THE SCHOOL DISTRICT OR  
43 CHARTER SCHOOL THAT IT IS IN VIOLATION OF SUBSECTION A OF THIS SECTION. IF  
44 THE STATE BOARD OF EDUCATION OR THE SUPERINTENDENT OF PUBLIC INSTRUCTION  
45 DETERMINES THAT THE SCHOOL DISTRICT OR CHARTER SCHOOL HAS FAILED TO COMPLY  
46 WITH SUBSECTION A OF THIS SECTION WITHIN SIXTY DAYS AFTER A NOTICE HAS BEEN

1 ISSUED PURSUANT TO THIS SUBSECTION, THE STATE BOARD OF EDUCATION OR THE  
2 SUPERINTENDENT OF PUBLIC INSTRUCTION MAY DIRECT THE DEPARTMENT OF EDUCATION  
3 TO WITHHOLD UP TO TEN PER CENT OF THE MONTHLY APPORTIONMENT OF STATE AID THAT  
4 WOULD OTHERWISE BE DUE THE SCHOOL DISTRICT OR CHARTER SCHOOL. THE DEPARTMENT  
5 OF EDUCATION SHALL ADJUST THE SCHOOL DISTRICT OR CHARTER SCHOOL'S  
6 APPORTIONMENT ACCORDINGLY. WHEN THE STATE BOARD OF EDUCATION OR THE  
7 SUPERINTENDENT OF PUBLIC INSTRUCTION DETERMINES THAT THE SCHOOL DISTRICT OR  
8 CHARTER SCHOOL IS IN COMPLIANCE WITH SUBSECTION A OF THIS SECTION, THE  
9 DEPARTMENT OF EDUCATION SHALL RESTORE THE FULL AMOUNT OF STATE AID PAYMENTS  
10 TO THE SCHOOL DISTRICT OR CHARTER SCHOOL.

11 H. IF THE GOVERNING BODY THAT OPERATES A PUBLIC LIBRARY DETERMINES THAT  
12 THE PUBLIC LIBRARY IS IN VIOLATION OF SUBSECTION B OF THIS SECTION, THE  
13 GOVERNING BODY SHALL NOTIFY THE PUBLIC LIBRARY THAT IT IS IN VIOLATION OF  
14 SUBSECTION B OF THIS SECTION. IF THE GOVERNING BODY DETERMINES THAT THE  
15 PUBLIC LIBRARY HAS FAILED TO COMPLY WITH SUBSECTION B OF THIS SECTION WITHIN  
16 SIXTY DAYS AFTER A NOTICE HAS BEEN ISSUED PURSUANT TO THIS SUBSECTION, THE  
17 GOVERNING BODY MAY DIRECT THE APPROPRIATE DEPARTMENT OR AGENCY TO WITHHOLD UP  
18 TO TEN PER CENT OF THE MONTHLY APPORTIONMENT OF PUBLIC MONIES THAT WOULD  
19 OTHERWISE BE DUE TO THE PUBLIC LIBRARY. WHEN THE GOVERNING BODY DETERMINES  
20 THAT THE PUBLIC LIBRARY IS IN COMPLIANCE WITH SUBSECTION B OF THIS SECTION,  
21 THE GOVERNING BODY SHALL RESTORE THE FULL AMOUNT OF PUBLIC MONIES TO THE  
22 PUBLIC LIBRARY.

APPROVED BY THE GOVERNOR APRIL 3, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 3, 2012.